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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,025	09/01/2000	Mark L. Yoseloff	PA0463.ap.US	5837

7590 04/21/2003

Mark A Litman & Associates P A  
3209 West 76th Street  
York Business Center  
Suite 205  
Edina, MN 55435

EXAMINER

WHITE, CARMEN D

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 04/21/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/654,025

Applicant(s)

YOSELOFF ET AL.

Examiner

Carmen D. White

Art Unit

3714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 April 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 03 April 2002. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

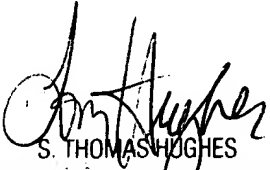
Claim(s) objected to: 11.Claim(s) rejected: 1-10 and 12-21.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

Continuation of 3. Applicant's reply has overcome the following rejection(s): Applicant's amendment has overcome the 35 USC 112 2nd paragraph rejections of claims 1-11. Also, Applicant's arguments have overcome the rejection of claim 11. The prior art of record does not teach the step of "symbol positions bearing game symbols that produce scatter pays are excluded from the random selection of wild symbol positions".

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues that the Schultz and Bennet references are not combinable. Applicant points out that Schultz is directed to draw poker and the instant invention recites a reel type video slot machine. The examiner disagrees with Applicant. Bennet and Schultz are similar in that they both disclose a video slot machine that discloses wild symbols in symbol positions. Bennet is relied upon to teach the reel type slot features of the instant claimed invention. Applicant has based the bulk of his arguments on arguing the references separately. However, the examiner has combined the Bennet and Schultz references to meet the limitations of the claims. Applicant also argues that Schultz does not disclose a triggering event. Again, Applicant has argued the references singly. Schultz has not been cited for teaching this feature. However, Bennet discloses this feature of a triggering event. Applicant also argues that the instant claim feature of "determining game outcomes based on predetermined combinations of displayed game symbols and wild symbols" is not taught by the prior art of record. The examiner disagrees. Bennet is cited for teaching this feature. Also, Schultz provides an outcome feature of determining an outcome based on the game symbols and wild game symbols in a combination {a hand of wild card symbols mixed with regular game card symbols}. The examiner has carefully pointed out the teachings of the instant claims that can be found in the prior art (see Final rejection, paper #10). The examiner maintains her rejections of the claims as they are currently written. However, Applicant's arguments have overcome the examiner's prior art rejection of claim 11. This claim would be allowable if rewritten to include all the limitations of the base claim.

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700